

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, *et al.*

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

**UNOPPOSED MOTION FOR EXPEDITED BRIEFING AND EXCESS
PAGES REGARDING STATE DEFENDANTS' MOTION TO STAY
PRELIMINARY INJUNCTION PENDING APPEAL**

Defendants Raffensperger, in his official capacity as Secretary of State and the Chair of the Georgia State Election Board (the “Secretary”), and State Election Board (“SEB”) Members Sullivan, Worley, Le, and Mashburn (collectively, the “State Defendants”), hereby move the Court to enter an order for expedited briefing on State Defendants’ Motion to Stay Preliminary Injunction (“Motion to Stay”), and for permission for the parties to submit briefing on the Motion for Stay that exceeds the page limit allowed under the Local Rules.

As stated in State Defendants’ forthcoming Motion to Stay, there exists good cause for treating it as an emergency motion and waiving the time

requirements of Local Rule 7.1. Absentee voting for the General Election began on September 15, 2020, and early in-person voting begins on October 12, 2020. *See* O.C.G.A. § 21-2-384(a)(2). Moreover, Eleventh Circuit Rules state that the State Defendants may only move the Appellate Court to stay the injunction pending appeal upon a showing of (a) impracticability or (b) that a stay was sought, and denied, in the District Court. 11th Cir. R. 8(a)(2)(A)(i-ii). Based on current deadlines and the needs associated with implementing the Court's injunction as ordered, State Defendants believe a ruling on their Motion to Stay is needed as soon as possible so the Appellate Court can timely review this Court's Order on Coalition Plaintiffs Motion for Preliminary Injunction on Paper Pollbook Backups, if necessary.

To allow the Court sufficient time to consider and rule on State Defendants' Motion to Stay, and timely appellate review if necessary, State Defendants respectfully request that Coalition Plaintiffs' response, if any, be due no later than **Friday, October 9, 2020**. In the interest of efficiency, State Defendants will also forego filing a reply brief. Additionally, State Defendants respectfully request that the Court allow State Defendants and Coalition Plaintiffs to file brief on the Motion for Stay that do not exceed thirty (30) pages.

State Defendants have consulted with counsel for the Coalition Plaintiffs who have indicated they do not oppose this Motion. A proposed Order is attached hereto for the Court's convenience.

Respectfully submitted, this 5th day of October, 2020.

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L.R. 7.1(D) CERTIFICATION

I certify that this Motion and Brief in Support has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C). Specifically, this Motion has been prepared using 13-pt Century Schoolbook font.

/s/ Bryan P. Tyson
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